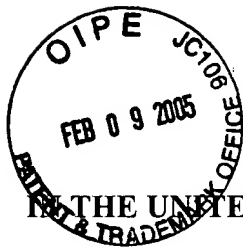


PATENT



Application Serial No.: 09/858,458  
Attorney Docket No.: 01-015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: WALKER et al.

) Examiner: Nelson, Freda Ann

)

) Group Art Unit: 3629

Serial No.: 09/858,458

)

) Attorney Docket No: 01-015

Filing Date: May 16, 2001

)

) **CUSTOMER NO.: 22927**

)

)

For: METHOD AND APPARATUS FOR

)

SELLING AN AGING FOOD PRODUCT

)

)

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Priority mail in an envelope with sufficient postage and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 02/07/05 By:

  
Michael D. Brinton

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as (i) a representation that a thorough search has been made; (ii) an admission that the information cited is, or is considered to be, material to patentability; (iii) an admission that no other material information exists; or (iv) an admission that Applicants agree with any statement(s) in the

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information cited. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_  
\_\_\_\_\_.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:  
  
☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
- ☐ 37 CFR §1.97(b)(4), before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
5. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☒ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
  - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.

- c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
- ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
9. ☐ I hereby certify:
- ☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. [X] Please accept payment of the fees due as indicated below:

[ ] A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).


[X] The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

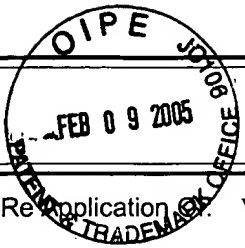
11. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

February 7, 2005  
Date

  
\_\_\_\_\_  
Michael D. Downs  
Attorney for Applicants  
PTO Registration No. 50,252  
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(203) 461-7292/phone  
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3629

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
01-015

In Re Application of **WALKER et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/858,458	May 16, 2001	NELSON, Freda Ann	22927	3629	4161

Title: **METHOD AND APPARATUS FOR SELLING AN AGING FOOD PRODUCT**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Supplemental Information Disclosure Statement (5 pp.);**  
**PTO Form-1449 (1 pg.) and references cited therein (13); and**  
**Return Receipt Postcard.**

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0271** as described below.
- ☒ Charge the amount of **\$180.00**
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

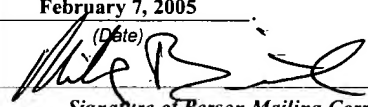
  
Signature

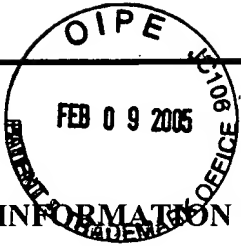
Dated: February 7, 2005

**Michael D. Downs**  
**Attorney for Applicants**  
**PTO Registration No. 50,252**  
**(203) 461-7292/phone**  
**(203) 461-7300/fax**  
**Mdowns@walkerdigital.com**

**CUSTOMER NO. 22927**

cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
February 7, 2005	(Date)
	
Signature of Person Mailing Correspondence	
Michael D. Brinton	
Typed or Printed Name of Person Mailing Correspondence	



<b>INFORMATION DISCLOSURE CITATION</b>	<b>Docket Number</b> 01-015	<b>Serial Number</b> 09/858,458
	<b>Applicants</b> WALKER et al.	
	<b>Filing Date</b> May 16, 2001	<b>Group Art Unit</b> 3629

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	A	4,441,160	04/03/84	Azcua et al.	364	900	
	B	5,417,424	05/23/95	Snowden et al.	273	138 A	
	C	5,857,175	01/05/99	Day et al.	705	14	
	D	6,024,288	02/15/00	Gottlich et al.	235	493	
	E	6,080,062	06/27/00	Olson	463	42	
	F	6,292,786	09/18/01	Deaton et al.	705	14	
	G	6,307,958	10/23/01	Deaton et al.	382	139	
	H	6,321,210	11/20/01	O'Brien et al.	705	14	
	I	6,582,304	06/24/03	Walker et al.	463	17	

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	J	590108827	12/12/85	Japan				
	K	Hei 1[1989]-263670	11/28/90	Japan				

**OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)**

	L	Herman, Ken, "Auchan cashes in on lottery", The Houston Post, July 1, 1992, Sec. A, pg. 15, Col. 5.
	M	Silverman, Gene, "Planning and using infomercial campaigns effectively, Direct Marketing, September 1995, Vol. 58, No. 5, pg. 32 (3), ISSN: 0012-3188.

<b>EXAMINER</b>	<b>DATE CONSIDERED:</b>
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**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.